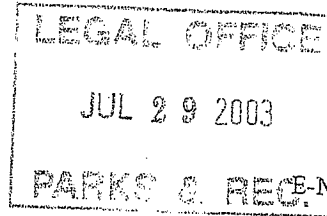


BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550

Telephone: (916) 323-3549
Facsimile: (916) 327-2319
E-Mail: Deborah.Wordham@doj.ca.gov

July 25, 2003

Deborah A. Sivas, Esq.
Earthjustice Legal Defense Fund
Owen House
553 Salvatierra Walk
Stanford, CA 94305-8610

Re: *Sierra Club, et al. v. Department of Parks and Recreation*
Sacramento Superior Court Case No. 00CS01235

Dear Ms. Sivas:

I am enclosing for your files your copy of the Settlement Agreement executed by Ruth Coleman, Acting Director for the Department of Parks and Recreation, and approved as to form by myself.

I am also enclosing a copy of the Stipulated Dismissal which is being filed in Sacramento Superior Court today. I have attached to the Stipulated Dismissal for the court's reference a copy of the fully executed Settlement Agreement. A conformed copy of the Stipulated Dismissal will be forwarded to your office as soon as we receive it.

Thank you for your cooperation and assistance in resolving this matter.

Sincerely,

DEBORAH A. WORDHAM
Deputy Attorney General

For BILL LOCKYER
Attorney General

DAW:

cc: ~~Tim LaFranchi, Esq., Chief Counsel, Dept. of Parks and Recreation~~
Dave Keck, Manager

*** CONFIDENTIAL SETTLEMENT DOCUMENT ***

**Sierra Club, et al. v. Department of Parks and Recreation, Sacramento
Superior Court No. 00CS01235 (Castle Rock Park Litigation)**

WHEREAS, the Department of Parks and Recreation (Department) and the State Parks and Recreation Commission (jointly referred to as the State) adopted and approved a General Plan and General Plan Amendment for Castle Rock State Park which proposes various improvements within the Park, including parking spaces, visitor and administrative facilities, and camp sites;

WHEREAS, the Sierra Club and Friends of Castle Rock State Park (jointly referred to as the Sierra Club) filed suit, *Sierra Club, et al. v. California Department of Parks and Recreation, et al.*, Sacramento Superior Court Case No. 00CS01235 (the "litigation"), alleging that the adoption of the General Plan for Castle Rock State Park did not comply with the California Environmental Quality Act (CEQA) or with certain sections of the Public Resources Code relating to the determination of carrying capacity of the Park;

WHEREAS, the State contends that it met all applicable legal requirements;

WHEREAS, the State will be engaged in further planning and analysis of the site and the improvements described in the General Plan for Castle Rock State Park;

WHEREAS, the State and the Sierra Club believe that analytical processes can be undertaken that will provide planning information that will satisfy the concerns and objectives of all parties and which will permit appropriate site planning and development;

WHEREAS, if these analytical processes satisfy both the Sierra Club and the State, the parties can avoid the expense and uncertainty of litigation.

NOW THEREFORE, the Sierra Club and the State agree as follows:

1. Resource Advisory Committee
 - a. The Department shall establish a Resource Advisory Committee (RAC) of independent scientists, who meet the qualifications set forth below at paragraph 1.e., to provide the Department with input as to (1) the carrying capacity methodology being developed by the Department as set forth below in paragraph 2, and (2) the scope of information that is available for the Santa Cruz Mountain Regional Inventory being developed by the Department as set forth below in paragraph 3. The Department shall have the discretion whether to solicit comments from the RAC on other, related issues, such as any future proposed development and uses at state parks within the Santa Cruz Mountains Region.

- b. The RAC shall be established as follows:
- i. The RAC shall be composed of five (5) members who meet the minimum qualifications, as set forth below at paragraph 1.e.
 - ii. Within 60 days of the dismissal of the litigation following execution of this settlement agreement, the Department shall invite all interested persons, including the Sierra Club, to submit the name(s) of any person(s) who meets the minimum qualifications for membership on the RAC. Interested persons shall have 30 days in which to nominate persons for membership on the RAC.
 - iii. Within 30 days of the last date on which names may be submitted for membership on the RAC, the Department shall review the nominations and approve what it believes are the five (5) most qualified nominees.
 - iv. In the event that a vacancy occurs during the existence of the RAC, the Director or his/her designee shall have the authority to fill the vacancy from the list of persons initially submitted to the Department or from any subsequent list of qualified candidates submitted to the Department.
- c. The RAC shall function independently of the Department, and the Department shall have no obligation to manage, coordinate or meet with the RAC, but may do so solely at the Department's discretion.
- d. Members of the RAC shall be responsible for establishing its internal structure and process for meeting, debating and reviewing information and providing comments to the Department.
- e. Minimum Qualifications: Members of the RAC shall (1) have demonstrable competence in conservation biology as evidenced by formal training (a graduate or post-graduate degree in biology and/or conservation), or equivalent experience (research and scholarly publication within the field of conservation biology); (2) have no personal stake in the outcome of the RAC's work, in terms of financial gain or loss, career advancement, or personal or professional relationship; (3) be able to perform the review tasks free of intimidation or forceful persuasion by others associated with the decision process; (4) be willing to use his or her scientific expertise to reach objective conclusions that may be discordant with his or her value systems or personal biases; and (5) be willing and able to help identify internal and external costs and benefits, both social and ecological, of alternatives decisions. Persons with specialized knowledge of the Santa Cruz Mountain Region shall be given special consideration for the RAC.

- f. During the planning process for the development of Castle Rock State Park, the Department shall solicit comments from the RAC at the same time and in the same manner as it solicits comments from responsible and trustee agencies and from members of the public. The Department shall make available to the RAC any existing information, studies and data. The Department shall have no obligation to develop any new or additional information or to fund any studies to develop new information.

2. Carrying Capacity Survey

The Department is in the process of preparing a methodology, an adaptive management approach, for carrying capacity surveys for state parks. The Department shall apply that methodology to any future development and subsequent management plan of Castle Rock State Park. The Department agrees to provide a copy of the methodology developed to the Sierra Club prior to its implementation at Castle Rock State Park.

3. Regional Inventory Process

The Department acknowledges that resources in the Santa Cruz Mountain state parks have or may have regional interconnectivity. In recognition of the potential impact of development in one park unit on sensitive species in other park units, the Department agrees to map the habitat of sensitive species, using data currently available through state agencies, local agencies, and other governmental entities, as well as other scientifically credible information provided to the Department for consideration by the Sierra Club. This Regional Inventory shall cover the Santa Cruz Mountain region, as shown on Exhibit A attached hereto and shall be used in planning, impact analysis, and management of park units in the Santa Cruz Mountain Region. The Department shall use its best efforts to consolidate this resource inventory into a regional database, including GIS mapping of significant habitat, based on available funding and staffing resources, and make this information available to the public via the Department's website.

Specific resources to be mapped shall include: 1) known marbled murrelet habitat, whether or not occupied; 2) mountain lion habitat, whether or not occupied; 3) knobcone pines; 4) Black Oak woodland; 5) ancient redwood forest; 6) riparian areas; and 7) maritime chaparral.

4. Alternatives to Partridge Farm Development

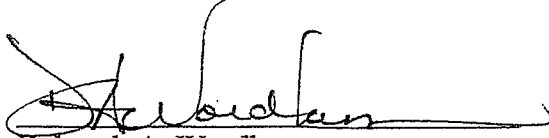
- a. During the environmental review process required by CEQA for campsite and parking development in the Partridge Farm area of Castle Rock State Park, the Department agrees to evaluate at least two alternative locations for the campsites and two alternative locations for the parking lot.

- b. Consideration of alternative locations for the campsites and parking lot shall not preclude the Department from considering and discussing other alternatives at the Partridge Farm site.
 - c. The Department and the Sierra Club recognize that an amendment to the Castle Rock State Park General Plan would be required should the Department determine that a selected alternative is not currently authorized by the General Plan. In the event a general plan amendment is required, the Department shall not be required to reconsider wilderness classifications or reopen the land use planning process for Castle Rock State Park. Agreement that the Department shall not be required to reconsider wilderness classification or to reopen the land use planning process shall not be construed as a waiver of or limitation on the Sierra Club's rights to challenge the Department's final decision with respect to the development of Partridge Farm.
- 5. The Sierra Club shall dismiss its lawsuit with prejudice. The Sierra Club shall retain the right to file a subsequent lawsuit to enforce the terms of this agreement and the outcome of any future site-specific or general development proposal.
 - 6. The parties agree that nothing in this agreement shall be deemed as an admission of any allegation made in the litigation or as an admission of liability.
 - 7. Each party shall bear its own attorney fees, legal expenses and costs of suit arising out of this lawsuit.

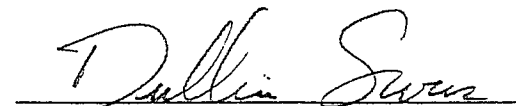
APPROVED AS TO FORM:

Date: July 15, 2003

BILL LOCKYER, ATTORNEY GENERAL

By: 
Deborah A. Wordham,
Deputy Attorney General, Attorney for
Department of Parks and Recreation

Date: 6/27/03

By: 
Deborah A. Sivas, EarthJustice
Attorney for Sierra Club, Friends of
Castle Rock State Park

Castle Rock Settlement Agreement

SANTA CRUZ MOUNTAINS REGION

